

Art Unit: 3737

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven Noll on September 25, 2007.

The application has been amended as follows:

LC  
11/05/07  
Claim 1, <sup>line 23</sup>~~starting at line 22~~

said data processor being connected to said navigation system and  
being supplied with said medical instrument position data  
and determining, ~~and~~ solely from said medical instrument  
position data, a...

#### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance:

Applicant provides arguments and amendments to independent claims 1 and 8 to further clarify the claimed invention. In Applicant's arguments it is stated that in the present invention "the bone fragment actually moves within the image of the body region. This is made clear in the claimed subject matter because the image of the body